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SUBJECT: PORTUGAL INCSR PART I: DRUGS AND CHEMICAL CONTROL
(2009-10)

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¶1. Summary: Portugal once again saw a significant decline in cocaine seizures as shipments to Europe are increasingly being routed through African nations rather than northern Atlantic routes. As a result, seizures of cocaine decreased from 2.6 metric tons in the first six months of 2008 to 1.6 metric tons during the same period in 2009. Portugal also saw a drop in heroin and hashish seizures. Seizures of heroin decreased from 49 kilograms in 2008 to 39.2 kilograms in 2009. Hashish seizures decreased from 24.4 metric tons in the first half of 2008 to 16.7 metric tons in the first half of ¶2009. U.S.-Portugal cooperation on drugs has included joint investigations with the U.S. Drug Enforcement Agency (DEA) and consultations at the newly established Maritime Analysis Operations Center for Narcotics (MAOC-N) in Lisbon. To continue with this cooperation, DEA will be opening an office in Lisbon in 2010. Portugal is party to the 1988 UN Drug Convention. End Summary.

Status of Country

¶2. Drug smugglers have used Portugal as a primary gateway to Europe in recent years; their task is made easier by open borders among the Schengen Agreement countries and by Portugal's long coastline. Since early 2007, Portuguese law enforcement entities have seen a significant drop in cocaine seizures and speculate that traffickers have moved to Western African nations and then use "swallow mules" to enter Europe in smaller, harder to detect packages. Additionally, it is believed that traffickers are also increasingly using containers, which are harder for law enforcement officials to access. South America remains the source of cocaine arriving in Portugal, usually transited through Brazil and Venezuela. For hashish, the primary source country was Morocco, transshipped through Spain. Cocaine and heroin enter Portugal by commercial aircraft, containers, and maritime vessels. The Netherlands, Spain and Belgium are the primary sources of Ecstasy in Portugal. Drug abuse within the Portuguese prison system continues to be a major concern for authorities.

Country Actions Against Drugs in 2009

¶3. Policy Initiatives. Portugal decriminalized drug use for casual consumers and addicts in 2001. The law makes the "consumption, acquisition, and possession of drugs for personal use" a simple administrative offense. In 2007, the Portuguese Parliament approved a law allowing police to test drivers' saliva for driving under the influence of narcotics and/or alcohol. If the roadside sample is positive, drivers must then undergo a blood test at a health care establishment to confirm the results. Drug testing prior to the new law had to be done at a health care establishment, making the process more complicated for both drivers and law enforcement officers.

¶4. Law Enforcement Efforts. Portugal has seven separate law enforcement agencies that deal with narcotics: the Judicial Police (PJ), the Public Security Police (PSP), the Republican National Guard (GNR), Customs (DGAIEC), the Immigration Service (SEF), the Directorate General of Prison Services (DGSP), and the Maritime Police (PM). The PJ is a unit of the Ministry of Justice with

overall responsibility for coordination of criminal investigations. The PM reports to the Ministry of Defense and the other entities are units of the Ministry of the Interior. According to a 2009 semi-annual report prepared by the PJ, Portuguese law enforcement forces arrested 2,748 individuals for drug-related offenses in the first six months of 2009 as "traffickers/consumers." Of those arrested, 2,284 were Portuguese citizens; the foreign nationals arrested included citizens from Cape Verde (173), Guinea Bissau (71), Spain (38), Angola (35), and Brazil (32). The report indicates a decrease in the cocaine, hashish and heroin seized in the first half of 2009 compared to the first half of 2008. Cocaine seizures fell from 2.6 metric tons to 1.6 metric tons in the first half of 2009. Also over the first six months of 2009, compared to the same timeframe in 2008, hashish seizures fell from 24.4 metric tons to 16.7 metric tons. Heroin seized decreased slightly from 49 kilograms to 39.2 kilograms in the first half of 2009. Ecstasy seizures in 2009 have amounted to a seizure of 31.3 grams, and 143 grams of amphetamine were seized. Additionally, PJ's first semester report on 2009 activities notes the seizure of over 1 million Euros in cash, plus the equivalent of over 8,000 Euros in foreign currency. The PJ also seized 15 vehicles, 16 boats, 80 weapons and 1,516 cell phones.

On October 25, 2009, GNR seized 550 kilograms of cocaine on a yacht at Horta, located on the island of Faial in the Azores. The seizure was the largest ever of cocaine in the Azores.

15. Corruption. As a matter of government policy, Portugal does not encourage or facilitate the illicit production or distribution of drugs or substances, or the laundering of proceeds from illegal drug transactions.

16. Agreements and Treaties. Portugal is party to the 1988 UN Drug Convention, the 1961 UN Single Convention as amended by the 1972 Protocol, and the 1971 UN Convention on Psychotropic Substances. Portugal is party to the UN Convention against Transnational Organized Crime and its protocols against trafficking in persons and migrant smuggling. In September 2007 Portugal ratified the UN Convention against Corruption. A Customs Mutual Assistance Agreement (CMAA) has been in force between Portugal and the U.S. since 1994. Portugal and the U.S. have been parties to an extradition treaty since 1908. Although this treaty does not cover financial crimes, drug trafficking or organized crime, certain drug trafficking offenses are deemed extraditable in accordance with the terms of the 1988 UN Drug Convention. In addition, Portugal and the U.S. have concluded protocols to the extradition and mutual legal assistance treaties pursuant to the 2003 U.S.-EU extradition and mutual legal assistance agreements. The protocols are pending entry into force.

17. Drug Flow/Transit. Portugal's long, rugged coastline and its proximity to North Africa offer an advantage to traffickers who smuggle illicit drugs into Portugal. Some traffickers are reported to use high-speed boats in attempts to smuggle drugs into the country, and some use the Azores islands as a transshipment point. The U.S. has not been identified as a significant destination for drugs transiting through Portugal.

18. Domestic Programs/Demand Reduction. Responsibility for coordinating Portugal's drug programs is with the Ministry of Health. The Government also established the Institute for Drugs and Drug Addiction (IDT) by merging the Portuguese Institute for Drugs and Drug Addiction (IPDT) with the Portuguese Service for the Treatment of Drug Addiction (SPTT). The IDT gathers statistics, disseminates information on narcotics issues and manages government treatment programs for narcotic addictions. It also sponsors several programs aimed at drug prevention and treatment, the most important of which is the Municipal Plan for Primary Prevention. Its objective is to create, with community input, locality-specific prevention programs in 36 municipal districts. IDT runs a hotline and manages several public awareness campaigns. Regional commissions are charged with reducing demand for drugs, collecting fines and arranging for the treatment of drug abusers. A national needle exchange program was credited with significantly reducing the spread of HIV/AIDS and hepatitis, although HIV infections resulting from injections are still a major concern in the Portuguese prison system. In November 2006, Lisbon city officials approved plans for

legalized assisted narcotics consumption centers or "shoot houses" to open in late 2007 but the heated internal debate has stalled plans to open them.

Portugal is implementing its National Drugs Strategy: 2005-2012, with an intermediary impact assessment that took place in 2008. Portugal's strategy builds on the EU's Drugs Strategy 2000-2004 and Action Plan on Drugs 2000-2004, focusing on reducing drug use, drug dependence and drug-related health and social risks. This new strategic cycle created an innovative integrated drug demand reduction program, incorporating prevention, harm reduction, treatment and rehabilitation. The 2008 strategic Action Plan strategy included prevention programs in schools and within families, early intervention, treatment, harm reduction, rehabilitation, and social reintegration measures. The internal evaluation for the 2008 Action Plan culminated with a report presented to the Ministry of Health in May 2009. This internal evaluation was run by a specialized subcommittee of the Interministerial Technical Committee, heading the work of nine other specialized subcommittees in all areas of the Action Plan. Together, the ten specialized subcommittees gathered 36 institutions from the Central Public Administration, the National Council on Drugs, the Portuguese Economical and Social Council, Civil Districts and Local Administration, for a total of 88 representatives. These subcommittees also created the new Action Plan for 2009-2012.

Representatives from producers, marketers and distributors as well as Central Public Administration collaborated on a proposal for a National Plan to Reduce Problems Linked to Alcohol Abuse. Both proposals for the Action Plan for 2009-2012 and the National Plan to Reduce Problems Linked to Alcohol Abuse are waiting Ministry approval. Delay is due to the 2009 electoral cycle and change of Government.

U.S. Policy Initiatives and Programs

¶9. Bilateral Cooperation. DEA-Madrid is currently responsible for coordinating with Portuguese authorities on U.S.-nexus drug cases. Portuguese Customs cooperates with the U.S. under the terms of the 1994 CMAA.

In December 2008, DEA and PJ culminated a joint investigation with the seizure of 957 kilograms of cocaine, 745,200 USD, three vehicles and arrest of four members of the organization responsible for the cocaine shipment. This investigation was conducted with the additional cooperation of DEA San Juan, DEA Caracas, JIATF-South and the Spanish National Police. The organization targeted in this

investigation was responsible for multi-hundred kilogram quantities of cocaine being shipped into Portugal and distributed throughout Europe. The enforcement actions included the execution of an International Controlled Delivery that was possible due to the considerable coordination between the investigating agencies. This investigation is one example of the good working relationship that exists between DEA and the Portuguese.

¶10. The Road Ahead. Portugal and the U.S. will use their good cooperative relationship to improve narcotics enforcement in both countries.

DEA's aim at assessing changing drug trafficking patterns through their Rightsizing process, the determination was made to establish full time DEA presence in Portugal with the opening of a DEA Country Office in Lisbon. The anticipated startup date is mid-2010. This office will consist of one Country Attache, one Special Agent and one Administrative Support Specialist, with plans to increase the staffing with the addition of an Intelligence Research Specialist in the near future. This office will be able to conduct joint investigations with the Portuguese authorities targeting large drug trafficking organizations that utilize Portugal as a point of entry for their European shipments.

The Joint Inter Agency Task Force South (JIATF-S) now has a permanent observer to the MAOC-N. The Chief of the Tactical Analysis Team, Debra Slaminski, arrived in October 2009 and is the liaison officer to JIATF-S.